

LEGAL

Eviction Cases in Arkansas On the Rise With Pandemic

by **Mark Friedman**

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Evictions are rising in Arkansas, even as a national moratorium is in place, according to two nonprofit law firms that offer free legal help in civil cases.

The eviction cases “have been going up each month pretty much since the pandemic started,” said Kendall Lewellen, managing attorney for the Center for Arkansas Legal Services, which offers free legal advice to those who qualify.

Between Oct. 1-26, the Center for Arkansas Legal Services opened 97 landlord-tenant cases, which are almost all evictions, Lewellen said. During the same period last year, it opened 22 cases.

Legal Aid of Arkansas also saw a jump in landlord-tenant cases. Between Oct. 1-20, it opened 60 cases; during the same period in 2019, it had 23 cases. For the quarter that ended Sept. 30, Legal Aid had an increase of 25% in landlord-tenant cases compared with the same quarter a year ago.

A key defense in eviction cases is the national moratorium issued by the federal Centers for Disease Control & Prevention that prevents landlords from evicting tenants for not paying their rent. The moratorium started Sept. 4 and ends on Dec. 31.



Kendall Lewellen

An advertisement for the Doctors Building. It features a 3D architectural rendering of a multi-story building with a large parking lot filled with cars. The text on the left says "AT THE CENTER OF WHAT'S NEXT" and "This is where the power of real estate is unleashed on your behalf." On the right, it lists "DOCTORS BUILDING", "Ryan Gibson", "Jason Parker", and "501 716 5511". At the bottom, there is a "CLICK FOR LEASING" button and logos for "CUSHMAN & WAKEFIELD" and "sage", along with the website "sagepartners.com".

Delinquent tenants who want legal protection under the moratorium can hand their landlords a signed statement saying they can't pay their rent. “Once they provide that to the landlord, that should, in theory, stop the eviction,” Lewellen said. If not, cases could wind up in front of a judge.

Those who violate the moratorium may face fines of \$100,000 or more or jail time, or both.

Even though the tenants aren't being evicted, the rent payments won't be waived, which could result in a rise in bankruptcies at the first of the year.

When the CDC moratorium expires at the end of December, there will be a "significant" rise in evictions unless something else is done, said Lee Richardson, executive director of Legal Aid of Arkansas. "Of course, you can't blame the landlords that haven't been paid in three or four months, and they have mortgages to pay."

The tenants, however, have run through their federal stimulus money and might not be able to go back to work, Richardson said.

Lewellen said Legal Services is seeing people facing eviction who "have never really been unemployed before. ... And they're very alarmed by the predicament they found themselves in."

Family Issues Increase

Lewellen said the Center for Arkansas Legal Services is starting to see a rise in family issues as well, including divorces and custody issues. Lewellen said those cases might be rising because the pandemic has kept people at home for months and those who've lost their jobs are under particular stress.

Greneda Johnson, pro bono director for Legal Aid, said her organization has also seen more people seeking help with tax-related issues, such as economic stimulus payments.

Legal Aid has about 30 attorneys on its staff. It also uses private practice attorneys who provide free legal services. "We've had more attorneys who wanted to offer their services during COVID," Johnson said. "I constantly get emails and calls, even from attorneys who have retired," offering to provide services.

In the meantime, the Center for Arkansas Legal Services also is expanding. Last month, it opened an office in Benton to deal with the opioid crisis.



The center and Legal Aid of Arkansas received a total of \$2 million in grants from the Health Resources & Services Administration, which is part of the Department of Health & Human Services, to provide free legal services to families who have been impacted by the opioid epidemic, according to a joint news release. The program, called Beyond Opioids, will be operated out of the Benton office, Lewellen said.

With about 40 attorneys and eight offices across the state, the Center for Arkansas Legal Services works to spread legal information.

"I think a lot of people believe that legal aid programs are really overwhelmed, and we have too many applicants for us to meet their needs, which is true," Lewellen said. "But at the same time, if someone meets our income guidelines, and there's not a conflict of interest, we will provide them with advice at a minimum.

"We can at least advise them on how to best represent themselves, ... even if we do not have the full resources to take their case," she said.
